



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,814	12/21/2004	Isao Sakata	101512.55677US	8244
23911 7590 12/23/2008 CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			EXAMINER JAVANMARD, SAHAR	
			ART UNIT	PAPER NUMBER
			1617	
			MAIL DATE	DELIVERY MODE
			12/23/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

The request for reconsideration has been considered but does not place the application in condition for allowance. Applicant's arguments regarding the use of an iminochlorine aspartic acid derivative as a method of determining the location of the sentinel lymph node has been fully considered but is not persuasive. Hikeda specifically teaches the instant compound as an extremely useful diagnostic agent for cancers and ophthalmic vascularization as well as treatments thereof. Thus it would have been obvious to one of ordinary skill in the art to have employed, with a reasonable degree of success, this compound in determining the location of various cancers, namely the sentinel lymph node.

Furthermore, arguments with respect to the use of iminochlorine aspartic acid derivatives as a method of treating rheumatoid arthritis and inflammatory keratosis are not persuasive. As Examiner stated in the previous office action and Applicant has reiterated, Hikeda does not teach the use of iminochlorine aspartic acid derivatives for the treatment of rheumatoid arthritis and inflammatory keratosis. Levy teaches the use photodynamic therapy for the treatment of cancer, rheumatoid arthritis and psoriasis. Examiner contends that because both Hikeda and Levy teach the use photodynamic therapy in the treatment of cancer, that it would have been obvious to one of ordinary skill in the art to have used the compound employed by Hikeda to also treat the cancers taught by Levy. Additionally, since Levy teaches PDT would be potentially useful in treating rheumatoid arthritis and psoriasis, then it would have been obvious to one in the art to try with a reasonable degree of success, the compound taught by Hikeda for the treatment of ailments taught by Levy. Applicant argues that inflammatory keratosis is

one of many forms of psoriasis that exists. This is not persuasive, it would have been obvious to one of ordinary skill in that art to try the use of the iminiochlorine aspartic acid derivative taught by Hiked a to also treat inflammatory keratosis. Additionally, since rheumatoid arthritis and inflammatory keratosis are both inflammatory conditions, one in the art would be further motivated to employ the instant compound to treat the instant ailments.

/SREENI PADMANABHAN/

Supervisory Patent Examiner, Art Unit 1617